

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

KIMBALL AREA PUBLIC SCHOOL, ISD No.
739,

Civil File No. 23-cv-2637 (NEB/LIB)

Plaintiff/Counter
Defendant,

**COUNTER CLAIMANTS’
INITIAL DISCLOSURES**

v.

I.R.M., by and through his parent, L.M.,

Defendants/Counter Claimants.

To: Plaintiff and Counter Defendant’s counsel, Elizabeth J. Vieira and William M. Seiler of Squires, Waldspurger & Mace, P.A., 333 South Seventh Street, Suite 2800, Minneapolis, Minnesota 55402.

Pursuant to Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure, Counter Claimants hereby provide the following initial disclosures:

A The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

Counter Claimants provide the following:

NAME	SUBJECTS OF INFORMATION
Laura McMahon <i>Represented</i>	Parent of student I.R.M. who has information concerning the facts set forth in the complaint and her sons’ education within Kimball Area Public Schools.
Elizabeth Reberk Can Do Canines 9440 Science Center Drive New Hope, Minnesota 55428 763.331.300	Coordinating service dog services and training for I.R.M.’s service dog, Dewey.
Sarah Brixious Behavioral Dimensions 7010 Highway 7	Clinical director supervising and delivering applied behavioral analysis interventions in home environment durign relevant period of time.

Saint Louis Park, Minnesota 55426 952.814.0207	
Jody Kessler Kessler Speech Therapy Services 600 – 25 th Avenue South Saint Cloud, Minnesota 56301 320.251.5590	Speech and Language Pathologist for I.R.M. from 2018 to present
Kurt Helgeson, Chair of Kimball School Board	Chair of the Kimball School Board during the relevant period of time.
Erik Widvey, Superintendent	Superintendent of Kimball during the relevant period of time.
Erin Dohrmann, Executive and Special Education Director of Benton-Stearns Special Education Cooperative	Executive and Special Education Director of Benton-Stearns Special Education Cooperative during the relevant period of time.
Joel Timmerman, Principal	Principal at I.R.M.'s elementary school during the relevant period of time.
Megan Daoust Special Education Teacher	Special education teacher for I.R.M. during the relevant period of time.

B. A copy-or description of category and location-of all documents electronically stored, and tangible things the disclosing party has in his possession, custody, or control, and may use to support his claims or defenses, unless the use would be solely for impeachment.

The records to support Counter Claimants claims can be found in I.R.M.'s education records and the administrative hearing exhibits. Records from Can Do Canines, Behavioral Dimensions, and Kessler Speech Therapy Services have been previously disclosed and updated records are in the possession of the third parties.

C. A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

1. Attorneys' Fees and Costs for administrative hearing and appeal in the amount of \$64,772.00 as prevailing party pursuant to 20 U.S.C. § 1415(i)(3);
2. Out-of-pocket in the amount of \$9,137.50 representing the tuition for full day attendance of her younger child for 5 months in order to attend as Dewey's "handler" at \$240.00 per month in the total amount of \$1,200.00. L.M. was also required to pay attorneys' fees in the amount of \$7,937.50 to represent I.R.M. prior to the commencement of the administrative hearing. Consequently, the fees and costs are not recoverable through a fees petition;
3. L.M.'s wages for serving in public school as a "handler" for Dewey in the amount of \$13,000.00, representing 130 days at 5 hours per day @ \$20.00/hr;
4. Compensatory damages to I.R.M. for discrimination and retaliation in the amount of \$600,000.00;
5. I.R.M.'s lost education opportunity \$86,000.00 (172 days at \$500.00/day);
6. Compensatory damages to L.M. for retaliation in the amount of \$300,000.00
7. Nonmonetary relief including: revision of service dog policy; written apology to Counter Claimants; identification of individuals responsible for oversight and enforcement of policy; disciplinary letters in the files of employees who retaliated against Counter Claimants; annual training of all personnel on the rights of students with disabilities and their parents; and a letter published by the Superintendent prominently on the Kimball website affirming its non-discrimination policy including the use of service animals.
8. Attorneys' Fee and Costs for ADA claims: \$10,510.00.

D For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable to Plaintiffs.

KANE EDUCATION LAW, LLC

DATE: January 16, 2024

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